

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

February 26, 2007

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Robie, Associate Justice; Butz, Associate Justice; and Haskett, bailiff.

C052518 THE PEOPLE v. FAY

Cause called. Alfons G. Wagner argued for appellant. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

**C052156 AMALGAMATED BANK etc. et al. v. THE SUPERIOR COURT OF
SACRAMENTO COUNTY and CORINTHIAN HOMES et al.**

**C052395 AMALGAMATED BANK etc. et al. v. THE SUPERIOR COURT OF
SACRAMENTO COUNTY and CORINTHIAN HOMES et al.**

Cause called. Thomas M. Peterson argued for petitioners. Edward Friedberg argued for real parties in interest. Cause submitted.

At 10:25 a.m., the court recessed. At 10:30 a.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C050869 THE PEOPLE v. FREDRICKSEN

Cause called. Eric S. Multhaup argued for appellant. Wanda Hill Kouzan argued for respondent. Cause submitted.

At 11:01 a.m., the court recessed. At 11:04 a.m., the court reconvened with Morrison, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

C052351 GONSALVES v. CONSECO INSURANCE COMPANY

Cause called. Victor A. Gonsalves argued as appellant. Marc J. Wodin argued for respondent. Cause submitted.

At 11:24 a.m., the court recessed. At 2:05 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Raye, Associate Justice.

**C049864 In re R.P.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. JOHN P.**

**C051569 In re R.P.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. JOHN P.**

Cause called. Linda K. Harvie, court appointed counsel, argued for appellant. Elizabeth H. Wright, County Counsel, argued for respondent. Cause submitted.

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At 2:37 p.m., the court recessed. At 2:41 p.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Cantil-Sakauye, Associate Justice

C052945 ELK GROVE UNIFIED SCHOOL DISTRICT v. WORKERS' COMPENSATION APPEALS BOARD et al.

Cause called. H. Donald Huegel argued for petitioner. Melissa C. Brown argued and Maureen E. Burns appeared only for respondents. Cause submitted.

C051747 LOCKSHIN v. UNION PACIFIC RAILROAD COMPANY

Cause called. June Coleman argued for appellant. Joseph P. Mascovich argued for respondent. Cause submitted.

At 3:39 p.m., the court recessed. At 3:43 p.m., the court reconvened with Sims, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C052412 JOHL et al. v. SRI GURU NANAK SIKH TEMPLE et al.

Cause called. Mark G. Steidlmayer argued for appellants. Michael R. Barrette argued for respondents. Cause submitted.

At 3:56 p.m., the court recessed until 9:30 a.m., Tuesday, February 27, 2007.

C047112 THE PEOPLE v. ESTRADA et al. (Not for Publication)

The judgment is affirmed.
MORRISON, J.
We Concur: Davis, Acting P.J.
Hull, J.

C052384 THE PEOPLE v. SEATON (Not for Publication)

The judgment is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
Nicholson, J.

C052930 THE PEOPLE v. FERREYRA (Not for Publication)

The judgment is affirmed.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Robie, J.

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C053061 THE PEOPLE v. HERNANDEZ (Certified for Partial Publication)

The judgment is affirmed. The trial court is directed to (1) amend the abstract of judgment... (2) send a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

Scotland, P.J.

We Concur: Hull, J.
 Robie, J.

C050384 HART v. AUTOWEST DODGE (Certified for Partial Publication)

The judgment is affirmed. The order granting attorney's fees is affirmed. Defendant shall recover its costs on appeal...

SIMS, J.

We Concur: Blease, Acting P.J.
 Morrison, J.

C050639 THE PEOPLE v. KAO

BY THE COURT:

Appellant's motion to recall the remittitur is granted. The decision filed on October 23, 2006, is vacated and the appeal is reinstated. The Sacramento County trial court clerk is directed to forthwith return to this court the remittitur issued January 16, 2007...

... Appellant may serve and file a reply supplemental letter brief within 10 days of the date the respondent's supplemental letter brief is filed.

SCOTLAND, P.J.

February 27, 2007

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Butz, Associate Justice; Cantil-Sakauye, Associate Justice; and bailiff Harper.

C051641 MADDEN v. DEL TACO, INC.

Cause called. Robert F. Koehler, Jr. argued for appellant. Reginald Dunn, argued for respondent. Cause submitted.

At 9:55 a.m., the court recessed. At 10:00 a.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; Hull, Associate Justice.

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**C052807 CHEVRON STATIONS, INC. v. ALCOHOLIC BEVERAGE CONTROL
APPEALS BOARD and DEPARTMENT OF ALCOHOLIC BEVERAGE
CONTROL**

Cause called. Ralph Barat Saltsman argued for petitioner. Kimberly Graham, Deputy Attorney General, argued for real party in interest. Cause submitted.

At 10:14 a.m., the court recessed. At 10:19 a.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Robie, Associate Justice.

C049955 THE PEOPLE v. MAGANA

Cause called. Susan D. Shors, court appointed counsel, argued for appellant. Harry Joseph Colombo, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:54 a.m., the court recessed. At 11:00 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

**C049048 THE PEOPLE ex rel. BILL LOCKYER, as Attorney General et al. v. TEHAMA
COUNTY BOARD OF SUPERVISORS et al. and KAKE, LLC**

Cause called. Michael von Loewenfeldt argued for appellant KAKE, LLC. Arthur J. Wylene argued for appellants Tehama County Board of Supervisors. Ellyn S. Levinson and Richard M. Thalhammer, Deputies for the Attorney General, argued for respondents. Cause submitted.

At 12:05 p.m., the court recessed. At 12:07 p.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

**C051047 UTILITY CONSERVATION SERVICES v. ELETRIC & GAS INDUSTRIES
ASSOCIATION**

Cause called. Jay-Allen Eisen argued for appellant. Adam C. Brown argued for respondent. Cause submitted.

At 12:28 p.m., the court recessed. At 2:02 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Raye, Associate Justice.

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**C050630 FOSTER v. BOARD FOR PROFESSIONAL ENGINEERS AND LAND
SURVEYORS**

Cause called. Freda D. Pechner argued for appellant. Jessica M. Amgwerd; Deputy Attorney General, argued and Janie Lachman, Deputy Attorney General, appeared only for respondent. Cause submitted.

At 2:24 p.m., the court recessed. At 2:26 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Raye, Associate Justice.

C051752 McKINNON v. OTIS ELEVATOR COMPANY

Cause called. Paul J. Wagstaffe argued for appellant. Clinton S. Hein argued for respondent. Cause submitted.

At 3:04 p.m., the court recessed. At 3:09 p.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice and Robie, Associate Justice.

C050815 SPENCER v. DEPARTMENT OF WATER RESOURCES et al.

Cause called. Robert C. Moest argued for appellant. Susan E. Sleger, Deputy Attorney General, argued for respondents. Cause submitted.

At 3:46 p.m., the court recessed. At 3:49 p.m., the court reconvened with Scotland, Presiding Justice; Robie, Associate Justice; and Butz, Associate Justice.

C049683 THE PEOPLE v. SEEBOTH

Cause called. Richard M. Doctoroff, court appointed counsel, argued for appellant. A. Kay Lauterbach, Deputy Attorney General, argued for respondent. Cause submitted.

At 4:22 p.m., the court recessed. At 4:24 p.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C049725 THE PEOPLE v. VASQUEZ

Cause called. Victor Haltom argued for appellant. Jesse Witt, Deputy Attorney General, argued for respondent. Cause submitted.

At 4:41 p.m., the court recessed until 9:30 a.m., Monday, March 19, 2007.

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- C053151 THE PEOPLE v. GORDON (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
 Nicholson, J.
- C053016 COUNTY OF SAN JOAQUIN v. WORKERS' COMPENSATION APPEALS
BOARD AND DAVIS (CERTIFIED FOR PUBLICATION)**
The Board's opinion and decision denying reconsideration is affirmed.
James Davis shall recover his costs in this proceeding...
BLEASE, Acting P.J.
We Concur: Sims, J.
 Morrison, J.
- C051684 RYLAND et al. v. IVERSEN et al.**
BY THE COURT:
Appellant's petition for rehearing is denied.
NICHOLSON, Acting P.J.

February 28, 2007

- C047292 THE PEOPLE v. KNAPP (Not for Publication)**
The judgment is affirmed.
MORRISON, Acting P.J.
We Concur: Butz, J.
 Cantil-Sakauye, J.
- C050231 THE PEOPLE v. HARDEN (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
 Davis, J.
- C051219 THE PEOPLE v. BUTLER (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Davis, Acting P.J.
 Butz, J.

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- C051457 THE PEOPLE v. FALK (Not for Publication)**
The matter is remanded to the trial court with directions... In all other respects, the judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, Acting P.J.
 Morrison, J.
- C051861 THE PEOPLE v. VOGEL (Certified for Partial Publication)**
The judgment is affirmed.
Robie, J.
We Concur: Scotland, P.J.
 Hull, J.
- C052151 THE PEOPLE v. ROMER (Not for Publication)**
The probation revocation restitution fine imposed... is stricken. The judgment shall be modified to reflect the imposition of a restitution collection fee... In all other respects, the judgment is affirmed.
SIMS, Acting P.J.
We Concur: Butz, J.
 Cantil-Sakauye, J.
- C052480 THE PEOPLE v. RUCKER (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
 Raye, J.
- C052725 THE PEOPLE v. EVERS III (Not for Publication)**
The judgment is modified... In all other respects, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract of judgment to the Director of the Department of Corrections and Rehabilitation.
SIMS, Acting P.J.
We Concur: Butz, J.
 Cantil-Sakauye, J.
- C052726 THE PEOPLE v. HIGH (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Butz, J.
 Cantil-Sakauye, J.

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- C053430 THE PEOPLE v. RHYNE (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.
- C053431 THE PEOPLE v. CAMPUZANO (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.
- C050325 COUNTY OF SACRAMENTO v. GUIDERA and HAYDEN (Not for Publication)**
The order is reversed and the matter is remanded with directions that the trial court conduct a new hearing and issue a new order in consideration of the applicable standards as explained in this opinion. Mother is entitled to costs on appeal...
SIMS, Acting P.J.
We Concur: Morrison, J.
 Hull, J.
- C051147 CORONA et al. v. STULL et al. (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Nicholson, Acting P.J.
 Hull, J.
- C052286 MYERS v. TRENDWEST RESORTS, INC. (Not for Publication)**
The judgment is reversed and the case remanded to the trial court with directions...The order awarding attorney's fees is reversed. The parties shall bear their own costs on appeal...
SIMS, Acting P.J.
We Concur: Davis, J.
 Cantil-Sakauye, J.

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**C052551 MALOTTE MANUFACTURING COMPANY, INC. v. KRAM ENDEAVORS
(Not for Publication)**

The judgment is affirmed. Plaintiff shall pay defendant's costs of this appeal. (Cal. Rules of Court, rule 8.276(a).)

MORRISON, Acting P.J.

We Concur: Hull, J.

Cantil-Sakauye, J.

**C049947 In re ROBERT S.; THE PEOPLE v. ROBERT S.
(Not for Publication)**

The judgment is affirmed.

ROBIE, J.

We Concur: Raye, Acting P.J.

Morrison, J.

**C053359 In re A.W.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. BETTY W. (Not for Publication)**

The judgment of disposition is affirmed.

ROBIE, J.

We Concur: Davis, Acting P.J.

Hull, J.

**C053544 In re KAYLAH C.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. ROSE K. (Not for Publication)**

The orders of the juvenile court are affirmed.

DAVIS, Acting P.J.

We Concur: Hull, J.

Robie, J.

**C052554 STATE BOARD OF CHIROPRACTIC EXAMINERS et al. v. THE SUPERIOR
COURT OF SACRAMENTO COUNTY and ARBUCKLE
(CERTIFIED FOR PUBLICATION)**

Let a writ of mandate issue commanding the trial court to vacate its order denying the Board's motion for summary judgment and to enter a new order granting the motion...

MORRISON, J.

We Concur: Scotland, P.J.

Nicholson, J.

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- C054086 ANDREW K. et al. v. THE SUPERIOR COURT OF SISKIYOU COUNTY and SISKIYOU COUNTY HUMAN SERVICES DEPARTMENT et al.**
The writ petition is denied.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Raye, J.
- C054458 BRIAN W. v. SUPERIOR COURT OF YOLO COUNTY and DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES et al.**
(Not for Publication)
Let a peremptory writ of mandate issue, directing the juvenile court to vacate its orders terminating petitioner's reunification services and scheduling a section 366.26 hearing. The matter is remanded with directions to the juvenile court to order additional reunification services for petitioner.
BLEASE, Acting P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.
- C052148 THE PEOPLE v. LEE**
BY THE COURT:
Appellant's petition for rehearing is denied.
RAYE, Acting P.J.
- C051148 TAMBURINA v. COMBINED INSURANCE COMPANY OF AMERICA et al.**
BY THE COURT:
Appellant's petition for rehearing is denied.
DAVIS, Acting P.J.

March 2, 2007

There were no minutes for this date.

March 2, 2007

- C051043 THE PEOPLE v. CRITON, SR. (Not for Publication)**
The sentence is vacated and the matter is remanded for resentencing with directions that the trial court enter an acquittal on the prior serious/violent felony allegation alleged in the special verdict... As modified, the judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Raye, Acting P.J.
Butz, J.

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C037546 THE PEOPLE v. BRIDGES

BY THE COURT:

Respondent's application to obtain a copy of the sealed material filed in this court on March 7, 2001, and have the copy of said materials sent to the United States District Court for the Eastern District of California is granted. The clerk of this court is directed to send a copy of the requested sealed material in a confidential envelope to the United States District Court of the Eastern District of California.

SCOTLAND, P.J.